

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

IN RE: ETHICON, INC. PELVIC REPAIR  
SYSTEMS PRODUCTS LIABILITY  
LITIGATION

Master File No. 2:12-MD-02327  
MDL 2327

-----  
ETHICON WAVE 12 CASES LISTED IN  
EXHIBIT A

JOSEPH R. GOODWIN U.S. DISTRICT  
JUDGE

**DEFENDANTS' NOTICE OF ADOPTION OF PRIOR DAUBERT MOTIONS AND  
REPLY BRIEFINGS OF RALPH ZIPPER, M.D. FOR WAVE 12**

Come now Defendants and hereby move to exclude certain general opinions of one of Plaintiffs' experts, Dr. Ralph Zipper. Defendants adopt and incorporate by reference the *Daubert* motion filed against Dr. Zipper for Ethicon Wave 1, Dkt. Nos. 2068 (motion), 2072 (memorandum in support), and supporting Reply brief, Dkt. 2221. Defendants also adopt and incorporate by reference the *Daubert* motion filed against Dr. Zipper for Ethicon Wave 6, Dkt. Nos. 5076 (motion), 5077 (memorandum in support), and supporting Reply brief, Dkt. 5178. Defendants also adopt and incorporate by reference the Court's Wave 1 ruling with respect to Dr. Zipper. *See* Order, Dkt.. No. 2717; *see also* Dkt. 2418 (Notice of Adoption for Wave 2 Order), 3299 (Notice of Adoption for Wave 3 Order).

Ethicon respectfully requests that the Court exclude Dr. Zipper's testimony, for the

reasons expressed in the Wave 1 and Wave 6 briefings. This notice applies to the Wave 12 cases identified in Exhibit A attached hereto.

Respectfully submitted,

/s/ William M. Gage

William M. Gage (MS Bar #8691)

Butler Snow LLP

1020 Highland Colony Parkway

Suite 1400 (39157)

P.O. Box 6010

Ridgeland, MS 39158-6010

(601) 985-4561

[william.gage@butlersnow.com](mailto:william.gage@butlersnow.com)

/s/ Susan M. Robinson

Susan M. Robinson (W. Va. Bar #5169)

Thomas Combs & Spann PLLC

300 Summers Street

Suite 1380 (25301)

P.O. Box 3824

Charleston, WV 24338

(304) 414-1800

[srobinson@tcspllc.com](mailto:srobinson@tcspllc.com)

COUNSEL FOR DEFENDANTS

ETHICON, INC. AND JOHNSON & JOHNSON

**CERTIFICATE OF SERVICE**

I certify that on this date I electronically filed this document with the clerk of the court using the CM/ECF system, which will send notification of this filing to CM/ECF participants registered to receive service in this MDL.

/s/ William M. Gage

William M. Gage